

REMARKS

Claims 25-30, 32, 57-63, 77-81 and 92 are pending. Claims 25, 32, 57, 63, and 77 are herein amended. Claim 31 has been cancelled. Claim 92 is new. Claims 1-24, 33-56, 64-76, and 82-91 were previously cancelled via preliminary amendment.

Claims 25-32, 57-63, and 77-81 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of commonly owned U.S. Patent No. 6,885,847 (the '847 patent), which issued April 26, 2005.

The Applicant traverses this rejection, in that the present application is a divisional application resulting from a restriction requirement in the underlying application of the '847 patent. In accordance with 35 U.S.C. § 121 and MPEP § 804, a double patenting rejection is not permitted where the claimed subject matter is presented in a divisional application as a result of a restriction requirement made in a parent application. Thus, the '847 patent cannot "be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application" (35 U.S.C. § 121). The Applicant therefore respectfully requests the Examiner to withdraw this rejection.

Claims 25-32, 57-63, and 77-81 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah (U.S. Patent No. 6,400,722) in further view of Smith (U.S. Patent No. 6,009,124).

The Applicant traverses this rejection, and has amended the claims to more distinctly define the claimed invention.

Each of the Applicant's independent claims 25, 57, and 77, as well as their respective dependent claims, now recites in part: "... establishing a network link between a selected one of the wireless devices and a selected one of the access points using the directional antenna of the selected wireless device and an omnidirectional antenna of the selected access point ... wherein the selected wireless device is an extension point device having a portable energy source."

The Applicant has reviewed both Chuah and Smith, and can find no occurrence where a wireless extension point device as claimed by the Applicant is disclosed or suggested.

The Examiner suggests the Chuah discloses a wireless extension point device by disclosing hubs, routers, gateways, and bridges (top of page 6, Office Action mailed May 22).

However, the Applicant respectfully submits that one skilled in the art would not understand any of hubs, routers, gateways, and bridges to be wireless devices, as each device includes at least a power cord of some kind or other cabling attached thereto. For example, Chuah discloses that the “wireless hub includes ... a link to a backhaul line. The backhaul line is typically a T1 or T3 communications line that terminates in the mobile switching center of the wireless service provider.” (Chuah col. 12, lines 38-43). Chuah further discloses that the wireless hub as having a power cord: “Power would be supplied to the device from a wall transformer 27 via a multi twisted-paired cable 26 carrying both power and digital data.” (Chuah col. 6, lines 40-42; col. 12, lines 54-55; Figure 4). With regard to routers, Chuah discloses: “The physical link between the IWF and the PPP server is via a router using a dedicated T1 or T3 or frame relay or ATM network.” (Chuah col. 25, lines 6-8; Figure 2, items 42 and 54). Chuah does not discuss gateways, and discusses “bridging” in terms of access point and hubs (which are not actually wireless devices as previously discussed). Smith does not discuss hubs, routers, gateways, or bridges.

Because the combination of Chuah and Smith does not disclose or suggest each and every limitation recited in the Applicant’s claims as required by MPEP § 2143, the Applicant respectfully submits that the claimed invention is patentably distinct.

The Applicant believes the above remarks to be fully responsive. Favorable action is solicited. The Applicant kindly invites the Examiner to contact the undersigned attorney by telephone, facsimile, or email for efficient resolution, if there are any remaining issues.

Respectfully submitted,
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